



STATE OF DELAWARE
EXECUTIVE DEPARTMENT
OFFICE OF
STATE PLANNING COORDINATION

July 21, 2004

Mr. Phillip Tolliver
Morris & Ritchie
18 Boulden Circle
New Castle, DE 19720

RE: PLUS review – PLUS 2004-06-18; Twin Lakes

Dear Mr. Tolliver:

Thank you for meeting with State agency planners on June 30, 2004 to discuss the proposed plans for the Twin Lakes project to be located adjacent to the north edge of Felton on the southeast side of Peachbasket Road.

According to the information received, you are seeking annexation into the Town of Felton and a rezoning from AR to R for the purpose of creating a 170 single-family residential subdivision on 65.51 acres.

Please note that changes to the plan, other than those suggested in this letter, could result in additional comments from the State. Additionally, these comments reflect only issues that are the responsibility of the agencies represented at the meeting. The developers will also need to comply with any Federal, State and local regulations regarding this property. We also note that, if annexed, the Town of Felton would be the governing authority over this land, the developers will need to comply with any and all regulations/restrictions set forth by the Town.

This office has received the following comments from State agencies:

Office of State Planning Coordination – Contact: David Edgell 739-3090

This property is proposed to be annexed into the Town of Felton. This project is located in Investment Levels 1 and 2 according to the June 3 version of the 2004 State Strategies for Policies and Spending, which has been approved by the Cabinet Committee for State Planning Issues. Investment Level 1 is the highest priority for State investments in

infrastructure that supports growth and redevelopment; Investment Level 2 reflects areas where growth is anticipated by local, county, and State plans in the near term future. State investments will support growth in these areas. Our office has no objections to the development of this project in accordance with the local codes and ordinances.

Based on the discussion at the PLUS meeting we do encourage the developers and the town to explore opportunities to interconnect the two sides of the development with one another, and with the existing street network in the town. Such interconnections are desirable to increase access for emergency and service vehicles, as well as to promote better circulation and convenience for residents of the new development. We suggest that the developer contact the company which holds the power line easement to determine the limitations on the use of the easement area. It may be permissible to place a bicycle and pedestrian connection through the easement, and may even be permissible to have a vehicular connection.

State Historic Preservation Office (SHPO) – Contact: Anne McCleave 739-5685

There is a potential historic property on the west side of the subject property, which the development is designed around. We suggest the development provide open space and landscape buffers along the edges surrounding this property, so as to lessen any visual effects.

Department of Transportation – Contact: Bill Brockenbrough 760-2109

It should be noted that two separate developments are proposed, on either side of a Conectiv right-of-way that bisects the property. Phase I would be on the east side and Phase II would be on the west side. A fire lane (grass over pavers) would be provided through the Conectiv easement to connect the two phases.

This property would be a functional enclave, accessible to the rest of the Town only through Kent County. DelDOT's policy on municipal annexations is to oppose those that create physical or functional enclaves. If the Town were to annex the lands that separate the subject land from Delaware Route 12 or Walnut Street (Kent Road 243) first or at the same time, DelDOT would not oppose this annexation.

It is recommended that the Lindsey Court and Perch Court cul-de-sacs be extended as stub streets to the Clarence E. Voshell property to the south.

DelDOT recommends that a stub street be provided from Twin Lakes Circle to the Robert G. Wyatt property to the east.

DelDOT will require a sight distance analysis for the proposed entrance for Phase I. Our concern is about sight distance to the east.

If it is possible to interconnect the two phases with a street through the Conectiv land, we would recommend that the Town require it. If a street connection is not possible, we would recommend that the Town require a pedestrian path.

Offsite improvements may be required as part of the entrance construction. The Department will require analyses of the operation of the intersections of Peach Basket Road with Delaware Route 12, with Tomahawk Lane, and with Turkey Point Road (Kent Road 240) to determine what improvements are necessary.

As part of the entrance construction, DelDOT anticipates requiring the developer to improve Peach Basket Road to meet DelDOT's local road standards across the entire frontage of the site. The minimum typical section for those improvements would be two 11-foot lanes, two 4-foot shoulders and a 15-foot wide permanent easement adjacent to the right-of-way line for the construction of a multi-modal path.

The design of the site entrances should include 5-foot wide bicycle lanes.

The applicant's engineer should coordinate with the DelDOT Subdivision Manager for Kent County, Mr. George Shaw, regarding their requirements with regard to the design of the site entrances. Mr. Shaw may be reached at (302) 760-2261.

The Department of Natural Resources and Environmental Control – Contact: Kevin Coyle 739-3091

Soils

According to the soil survey update, the following soils were found in the immediate vicinity of the proposed construction and grouped on the basis of drainage class:

Well Drained – Sassafras

Moderately well drained – Woodstown

Poorly drained (**hydric**) – Fallsington & Elkton

Sassafras is a well-drained upland soil with few limitations for development. Woodstown is a moderately well-drained soil of low-lying uplands that has moderate limitations for development. Fallsington and Elkton are poorly-drained wetland associated (hydric) soils that have severe limitations for development. Most of the soils (approximately 80+- percent) on subject site are wetland associated (hydric) soils.

Wetlands

According to Statewide Wetland Mapping Project (SWMP) maps, palustrine forested and palustrine farmed wetlands were mapped on subject site.

The applicant should be reminded that they must avoid construction/filling activities in those areas containing wetlands or wetland associated hydric soils as they are subject to regulatory provisions under the Federal 404 Clean Water Act governing jurisdictional wetlands.

Because both the soil survey update and/or SWMP mapping indicate the presence of wetlands on subject parcel, a wetland delineation is highly recommended. Further, the applicant is strongly encouraged to maintain a 100-foot minimum buffer width from the landward edge of all wetlands and watercourses.

It is also recommended that the Farm Services Agency of the USDA be contacted to assess whether the farmed wetlands on subject parcel meet the recognized criteria for classification as “prior converted wetlands.” Prior converted wetlands are farmed wetlands that have drained or altered before December 23, 1985, and no longer meet the wetland criteria established under the 404 program. Such wetlands are considered exempt from regulatory protection provided that there is no proof of a continuous “fallow period” of five years or greater in that parcel’s cropping history. Parcels converted after said date regardless of cropping history are considered jurisdictional by the Army Corps of Engineers (ACOE). The contact person for assessing a parcel’s cropping history is Sally Griffin at the USDA – she can be reached at 678-4182

It should also be noted that this parcel contains sensitive headwater wetlands associated with an unnamed tributary (or name unknown) and a named tributary (Fan Branch) which ultimately drain to the Murderkill River. Headwater wetland streams are important for the protection of water quality and the maintenance/integrity of the ecological functions throughout the length of the stream, including the floodplain system downstream. Since such streams are a major avenue for nutrient-laden stormwater and sediment runoff, their protection deserves the highest priority.

TMDLs

Although Total Maximum Daily Loads (TMDLs) as a “pollution runoff mitigation strategy” to reduce nutrient loading have not yet been developed for most of the tributaries or subwatersheds of the Delaware Bay watershed to date, work is continuing on their development. TMDLs for the Murderkill River subwatershed, of which this parcel is part, are scheduled for completion in December 2006.

Therefore, until the specified TMDL reductions and pollution control strategies are adopted, it shall be incumbent upon the developer to employ best available technologies (BATs) and/or best management practices (BMPs) as “methodological mitigative strategies” to reduce degradative impacts associated with development.

Water Supply

The information provided indicates that the Town of Felton will provide water to the proposed projects through a central public water system. The town is required to notify the Public Service Commission once the annexation is complete. The Public Service Commission may be reached at (302) 739-4247.

Should dewatering points be needed during any phase of construction, a dewatering well construction permit must be obtained from the Water Supply Section prior to construction of the well points. In addition, a water allocation permit will be needed if the pumping rate will exceed 50,000 gallons per day at any time during operation.

All well permit applications must be prepared and signed by licensed water well contractors, and only licensed well drillers may construct the wells. Please factor in the necessary time for processing the well permit applications into the construction schedule. Dewatering well permit applications typically take approximately four weeks to process, which allows the necessary time for technical review and advertising.

Should you have any questions concerning these comments, please contact Rick Rios at 302-739-3665.

Stormwater Management

Source: Delaware Sediment and Stormwater Regulations

Requirements:

1. Land disturbing activities in excess of 5,000 square feet are regulated under the Delaware Sediment and Stormwater Regulations. A detailed sediment and stormwater management plan must be reviewed and approved by our office prior to any land disturbing activity (i.e. clearing, grubbing, filling, grading, etc.) taking place.
2. The review fee and a completed Application for a Detailed Plan are due at the time of plan submittal to our office. Construction inspection fees based on developed area and stormwater facility maintenance inspection fees based on the number of stormwater facilities are due prior to the start of construction. Please refer to the fee schedule for those amounts.
3. The following notes must appear on the record plan:
 - The Kent Conservation District reserves the right to enter private property for purposes of periodic site inspection.
 - The Kent Conservation District reserves the right to add, modify, or delete any erosion or sediment control measure, as it deems necessary.
 - A clear statement of defined maintenance responsibility for stormwater management facilities must be provided on the Record Plan.
4. Ease of maintenance must be considered as a site design component and a

maintenance set aside area for disposal of sediments removed from the basins during the course of regular maintenance must be shown on the Record Plan for the subdivision.

5. All drainage ways and storm drains must be contained within drainage easements and clearly shown on the plan to be recorded.
6. It appears that the intended outfall is a ditch at the southeastern corner of the property. This area has historically experienced drainage problems. Although a drainage improvement project was under taken by the Town of Felton, DNREC Drainage Section and the Kent Conservation District downstream from the intended outfall, this ditch may still be inadequate. A downstream analysis will be required to determine if there is sufficient downstream capacity to provide an adequate outfall for this project.
7. A soils investigation supporting the stormwater management facility design is required to determine impacts of the seasonal high groundwater level and soils for any basin design.
8. Access to the proposed stormwater facility must be provided for periodic maintenance. This access should be at least 12 feet wide to leading to the facility and around the facility's perimeter.

Comments:

1. The preferred methods of stormwater management are those practices that maximize the use of the natural features of a site, promote recharge and minimize the reliance on structural components.
2. It is recommended that the stormwater management areas be incorporated into the overall landscape plan to enhance water quality and to make the stormwater facility an attractive community amenity.
3. The site contains large areas of Fallsington soils, which are poorly drained and unsuited to some community development. Proper drainage of developed lots and active open space should be considered in the development of the grading plan for this subdivision. The construction of basements may be questionable.
4. Based on the site characteristics, a pre-application meeting is suggested to discuss stormwater management and drainage for this site.
5. A letter of no objection to recordation will be provided once the detailed Sediment and Stormwater Management plan has been approved.

Drainage

The Drainage Section is aware that this area is partially in an existing drainage project along and to the west of Peach Basket Road. The Drainage Section does not have a clear understanding where this project's on site storm water overflow will be released off site.

The Drainage Section requests that all precautions be taken to ensure the project does not hinder any off site drainage upstream of the project or create any off site drainage problems downstream by the release of on site storm water. The Drainage Section

recommends the need to find a positive outlet for the stormwater ponds for overflow. A downstream analysis may be needed.

The Drainage Section further requests that any area designated as a drainage/utility easement be left as open space and not owned by the individual landowners. Structures, decks, buildings, sheds, kennels, fences or trees should not be placed within the drainage easement to allow for maintenance.

Nuisance Species

It is recommended that measures to deter nuisance geese be incorporated into the design of stormwater management ponds. It will be difficult to deter geese attracted to the large pond in the plan, and reducing its size should be considered. Canada geese and mute swans are attracted by these types of water bodies and can become a nuisance to community residents. Although small numbers of these species are enjoyed by residents, geese and swans can quickly multiply and overwhelm the area. High concentrations of waterfowl in ponds create water-quality problems, leave droppings on lawn and paved areas and can become aggressive during the nesting season. Ponds that remain in the subdivision plan should be landscaped to deter nuisance species. Short manicured lawns around ponds provide an attractive habitat for these species. However, native plantings, including tall grasses, wildflowers, shrubs, and trees at the edge and within a buffer area around ponds, are not as attractive to geese because they do not feel as safe from predators and other disturbance when their view of the area is blocked. The Division of Fish and Wildlife does not provide goose control services, and if problems arise, residents or the home-owners association will have to accept the burden of dealing with these species (e.g., permit applications, costs, securing services of certified wildlife professionals). Solutions can be costly and labor intensive; however, with a reduction in the number or size of ponds, proper landscaping, monitoring, and other techniques, geese problems can be minimized.

Recreation

Because this project presently borders the town of Felton, we recommend that bike and pedestrian pathways be provided along the southeast section (to access the town center) and between the detached east and west sections. It is recommended that sidewalks be built fronting every residence and stub streets. A complete system of sidewalks will: 1) fulfill the recreation need for walking and biking facilities 2) provide opportunities for neighbors to interact in the community and 3) facilitate safe, convenient off-road access to neighboring communities, public mass transit stops, schools, stores, work etc.

If a trail system is planned, we recommend that a series of stacking trail loops be designed with access points in each subdivision "pod" and connections to adjacent communities. Community trail systems with long continuous trails, perimeter-only trails, and systems with few access points, often go unused and neglected. For trail design/construction specifications, contact Susan Moerschel at (302) 739-5285.

The Division of Parks and Recreation conducted a telephone survey of Delaware residents to gather information on outdoor recreation patterns and preferences as well as other information on their landscape perception. These findings are the foundation of the 2003-2008 Statewide Comprehensive Outdoor Recreation Plan (SCORP) providing guidance for investments in needed outdoor recreation facilities. The high and moderate facility needs in Kent County are listed below. Consideration should be given to incorporate some of these recreation opportunities into the project.

High Priorities include walking and jogging paths, bike paths, swimming pools, picnic areas, playgrounds, and fishing areas.

Moderate priorities include skate facilities, hiking trails, baseball/softball fields, Campgrounds, soccer fields, volleyball courts, and basketball courts.

Underground Storage Tanks

There are no LUST sites located near the proposed project. However, should any underground storage tank or petroleum contaminated soil be discovered during construction, the Tank Management Branch must be notified as soon as possible. It is not anticipated that any construction specifications would be need to be changed due to petroleum contamination. However, should any unanticipated contamination be encountered and PVC pipe is being utilized, it will need to be changed to ductile steel in the contaminated areas.

State Fire Marshal's Office – Contact: Kevin McSweeney 739-3696

These comments are intended for informational use only and do not constitute any type of approval from the Delaware State Fire Marshal's Office. At the time of formal submittal, the applicant shall provide; completed application, fee, and three sets of plans depicting the following in accordance with the Delaware State Fire Prevention Regulation (DSFPR):

a. **Fire Protection Water Requirements:**

- Where a water distribution system is proposed for single family dwellings it shall be capable of delivering at least 500 gpm for 1-hour duration, at 20-psi residual pressure. Fire hydrants with 1000 feet spacing on centers are required.
- The infrastructure for fire protection water shall be provided, including the size of water mains.

b. **Accessibility:**

- All premises which the fire department may be called upon to protect in case of fire, and which are not readily accessible from public roads, shall be provided with suitable gates and access roads, and fire lanes so that all

buildings on the premises are accessible to fire apparatus. This means that the access road to the subdivision from Peach Basket Road must be constructed so fire department apparatus may negotiate it.

- Fire department access shall be provided in such a manner so that fire apparatus will be able to locate within 100 ft. of the front door.
- Any dead end road more than 300 feet in length shall be provided with a turn-around or cul-de-sac arranged such that fire apparatus will be able to turn around by making not more than one backing maneuver. The minimum paved radius of the cul-de-sac shall be 38 feet. The dimensions of the cul-de-sac or turn-around shall be shown on the final plans. Also, please be advised that parking is prohibited in the cul-de-sac or turn around.
- If the use of speed bumps or other methods of traffic speed reduction must be in accordance with Department of Transportation requirements.

c. Gas Piping and System Information:

- Provide type of fuel proposed, and show locations of bulk containers on plan.

d. Required Notes:

- Provide a note on the final plans submitted for review to read “ All fire lanes, fire hydrants, and fire department connections shall be marked in accordance with the Delaware State Fire Prevention Regulations”
- Name of Water Supplier
- Proposed Use
- National Fire Protection Association (NFPA) Construction Type
- Maximum Height of Buildings (including number of stories)
- Provide Road Names, even for County Roads

Preliminary meetings with fire protection specialists are encouraged prior to formal submittal. Please call for appointment. Applications and brochures can be downloaded from our website: www.delawarestatefiremarshal.com, technical services link, plan review, applications or brochures.

Department of Agriculture - Contact: Mark Davis 739-4811

A forested buffer is required between the proposed subdivision and all adjacent properties in active agricultural use. In addition, a forest buffer should be maintained for those pre-existing residential properties and along all streams, wetlands, and river that border the proposed subdivision.

The developer should consider a diverse landscape plan that uses Delaware native tree and shrub species and encourages the “Right Tree for the Right Place” concept.

Public Service Commission - Contact: David Bonar 739-4247

Project is not currently within a certificated area; however, the application notes Town of Felton. The Town of Felton will need to notify the PSC when the annexation is complete.

If there is any expansion of natural gas or installation of a closed propane system must fall within Pipeline Safety guidelines.

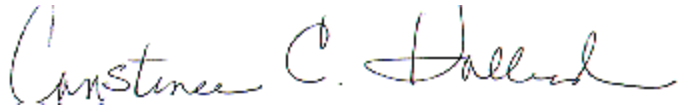
Delaware State Housing Authority – Contact Karen Horton 739-4263

DSHA supports this proposal because some of the units will be targeted for first-time homebuyers. The provision of these units will help address the need for affordable homeownership that was identified in the 2003 Statewide Housing Needs Assessment.

Following receipt of this letter and upon filing of an application with the local jurisdiction, the applicant shall provide to the local jurisdiction and the Office of State Planning Coordination a written response to comments received as a result of the pre-application process, noting whether comments were incorporated into the project design or not and the reason therefore.

Thank you for the opportunity to review this project. If you have any questions, please contact me at 302-739-3090.

Sincerely,

A handwritten signature in blue ink that reads "Constance C. Holland". The signature is fluid and cursive, with the first name "Constance" being more prominent.

Constance C. Holland, AICP
Director

CC: Town of Felton
Kent County